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Help for American Victims of Crime in Ecuador

[Please click on this link to read the Department of State's brochure for victims of crime.](#)

The information provided below is a general description of the criminal justice system in Ecuador as is relevant to victims of crime. If you have questions involving interpretation of Ecuadorian law, you should address such questions to legal counsel licensed to practice in Ecuador.

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Mission in Ecuador is ready to help. We are very concerned about violent crimes committed against U.S. citizens in Ecuador. We will assist you in managing the practical consequences of being crime victims and provide you with information about accessing the local criminal justice system, and about other resources for crime victims abroad and in the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Ecuador, which is different from the system in the United States.

The information included in this guide relating to the legal requirements in Ecuador is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Legal system in Ecuador proceedings are different from what is stated in their official procedures. Civil cases or the approach of the particular judicial actors (police, public prosecutor, judges) involved may impact the criminal case.

Questions involving interpretation of Ecuadorian laws should be addressed to legal counsel licensed to practice law in Ecuador. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism, and in rare cases, murder.

REPORTING CRIMES: For immediate assistance during an emergency, dial 101 (for local police or ambulance, or to be forwarded to other help as necessary), 102 (for firefighters or ambulance) or 131 (for the local Red Cross). If you are in Quito or Ibarra, you may also dial 911. If you are in Guayaquil, you should dial 112. The operators typically speak Spanish only.

Where to File a Police Report: Depending on the nature of the crime, you may file a written crime report (“*denuncia*”) in one of three locations: (1) a branch of the non-uniformed or “civilian” police, called a Commissioner’s Office (*Comisaría Nacional de Policía*), (2) a special Commissioner’s Office for Family and Domestic Issues (“[Comisarias de la Mujer y de la Familia](#)”, click here for [Quito branches](#)) or (3) at a police station with an investigative branch (*Policía Judicial*). You must file a report in the same jurisdiction where the crime occurred.

For petty crimes, including theft of less than \$120, you must file a crime report at a Commissioner’s Office. (The addresses of Quito’s four Commissioner’s Offices can be found on the Commissioner’s [Nacionales de Policía](#) website. For Commissioner’s Offices in other parts of Ecuador, dial 101.) For domestic violence, sexual assault or child abuse, although a police report is not technically necessary to begin judicial proceedings, you may file one at a Commissioners’ Office for Family and Domestic Issues or at an Office of the Public Prosecutor. (The addresses and public hours of Commissioners’ Office for Family and Domestic Issues in each province can be found on the [Dirección Nacional de Género](#) website.) For other serious crimes, you must file a police report at a police station (*Policía Judicial*). Police stations are located in every metropolitan area; in large cities, at least one police station is open 24 hours per day.

Certain branches of the Commissioner’s Offices for Family and Domestic Issues, for example the Samborondon branch outside Guayaquil, lack infrastructure. Others house private advocacy foundations, for example the Guayaquil branch next to Gobernación, which houses the [Maria Aquare Foundation](#)). Still others, for example the north Quito branch, work closely with local police, therefore can offer more services than are offered at other branches.

Who May File a Police Report: In most cases, if you have been the victim of a crime, you (or your designated attorney, if you wish) must file your own crime report. In cases of sexual assault, this requirement is waived; a third party may file a report on your behalf if they have sufficient knowledge of the crime. In cases of homicide, any blood relative of the victim up to four degrees removed, or any relative by marriage up to two degrees removed (for example a brother- or sister-in-law) may file the report.

If you are planning to depart Ecuador but wish to file a police report, it is important to file a police report before you depart. If you were unable to file a report before departing the country and wish to do so after your departure, you should contract an Ecuadorian attorney to file the report on your behalf. Although the U.S. Embassy in Quito or the U.S. Consulate in Guayaquil can enquire into the status of your case once the report is filed, Ecuadorian law and common practice prohibit us from filing the report itself. The Embassy of Ecuador in Washington, DC and the Ecuadorian Consulates in the United States will not assist you with a crime report.

When to File a Police Report: You should file a crime report as soon as possible after the crime was committed, not only to preserve evidence but also because in Ecuador, statutes of limitations exist for most crimes. You must file the crime report in the same judicial district where the crime was committed. In cases of theft, you might be asked to give evidence of ownership of the property that was stolen (for example, receipts, customs forms, insurance records or other documentation). It is not necessary to present either Ecuadorian or foreign ID to file a crime report, though in reality you are often asked for this information. There is no fee for filing.

Filing a crime report might take between thirty minutes and several hours, depending on the nature of the crime and the time of day. At commissioner’s offices and police stations, interpreters or other English-speaking staff are not always available; if you are not fluent in Spanish, consider bringing an interpreter along with you. You will receive a copy of the report immediately after it has been filed. The number assigned to the police report will be used to identify your case if it ever proceeds to an investigation or trial.

Restraining Orders: For domestic violence or sexually-related crimes, the Commissioners' Office for Family and Domestic Issues or the judicial police (depending on to whom the crime report was made) will issue a restraining order against the offender as soon as you file a police report. For any other crime, you may request a restraining order if you feel threatened, physically or psychologically. Restraining orders are filed at a [Commissioner's Office](#) (click here for a [directory](#)). If an aggressor violates his or her restraining order, you might have grounds to request his or her arrest.

Next Steps: If you have difficulties filing your crime report with an official, please contact the U.S. Embassy in Quito or U.S. Consulate in Guayaquil immediately. You may need a police report to file for crime victim compensation or insurance reimbursement. If you do decide to file a report, please send a copy to us, along with your address and phone number in the event we need to communicate with you. While we are not authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

For serious cases, once the police report is complete, the police will submit a request for a public prosecutor ("*fiscal*") to be assigned to the case. The process to assign a public prosecutor normally takes two days, but sometimes up to two weeks. The public prosecutor assigned to your case might be a specialist in one type of crime (for example, homicide or sexually-related crimes). Outside the major cities of Ecuador, public prosecutors are more often generalists (working on all types of crimes).

PRELIMINARY INVESTIGATIONS: Many crime investigations never result in the arrest of a suspect. In Ecuador, investigations carried out by either the investigative police or – in the case of a crime against a minor – the specialized police unit for crimes against minors ("*Dirección Nacional de Policía Especializada para Niños, Ninas y Adolescentes*" or "[DINAPEN](#)"). Investigations are divided into two different phases: (1) the preliminary investigation ("*indagación fiscal*") and (2) the formal investigation ("*instruction fiscal*").

Investigative Techniques and Processes: During the preliminary investigation ("*indagación fiscal*"), the public prosecutor directs a police investigative team. The police usually collect physical evidence and record witness testimony. Physical evidence might include photographs, fingerprints and items found at the crime scene. It might also include blood or other samples to be analyzed at a police lab (the victim is often asked to bear the costs of the analysis). Ecuadorian police teams lack forensic resources and specialized training; therefore Ecuadorian police investigations are more limited in scope than those in the United States. DNA is rarely used in Ecuadorian courts for two reasons: first, Ecuadorian authorities often ask the victims to pay for DNA tests (tests average \$250 per sample) and second, because in some cases, Ecuadorian law allows crime suspects to refuse to submit to DNA testing.

Ecuadorian police and public prosecutors rely heavily on written statements made during witness testimony. These statements are taken during victim, witness or suspect interviews, are recorded in Spanish and become part of the evidence used in later court hearings. As a victim, you might be asked to give your statement multiple times, as the police investigators discover new information and wish to compare your statement with the information they have just received.

Ecuadorian judges usually require that a crime victim complete a psychological evaluation. This normally consists of a one-hour interview with a psychologist, who asks for the details of the crime, assesses the impact of the crime on the victim, and might report on the credibility of the victim's statements.

Tracking Your Case: Preliminary investigations in Ecuador often last months. If the police team does not make progress in your case, the case might be dropped. Progress might be affected by the degree of complexity of the case, the level of collaboration between the public prosecutor and the police team, their work schedules, whether or not suspects flee or hide from officials, forensic examination resources

available at the time, and the level of involvement of a private attorney. If you would like information about the progress of your investigation you should regularly ask the public prosecutor, referencing the police report number.

In the overworked Ecuadorian judicial system, the most efficient way to get in touch with the public prosecutor is through a private attorney. Private attorneys' role is to stay in touch with the public prosecutor and keep track of your case. The U.S. Embassy in Quito or the U.S. Consulate in Guayaquil can request status reports on your behalf, as well as making specific enquiries regarding the investigation. However, the U.S. Embassy or Consulate cannot act as a substitute for a private attorney, who can act as your advocate and represent you formally during various stages of the process.

If there is no arrest, your case may remain open for up to five or more years, depending on the crime. The statute of limitations for domestic violence is five years, for homicide is ten years, and for certain sexually-related crimes it is even longer. Even if your case remains open however, it might "go cold" due to lack of progress.

Threats from the Accused: If you, your family or friends receive threats, or are harassed or intimidated by the accused, you should report this to the public prosecutor or the police. The Ecuadorian justice system does not currently have the resources to fund a witness protection program.

ARRESTS: The Ecuadorian system is conservative regarding detention or custody of suspects. Ecuadorian law requires the presumption of liability before a judge may issue an arrest warrant; many public prosecutors take a strict interpretation of this law. Legal mechanisms exist for public prosecutors to request urgent arrest warrants, either in "red-handed" cases ("*delitos flagrantes*", when fewer than 24 hours have passed, the whereabouts of the perpetrator is known, and significant evidence of the perpetrator's guilt exists) or when the case has not yet proceeded to the formal investigative phase but the prosecutor already has sufficient information regarding the suspect's guilt. However, public prosecutors do not always use these mechanisms, preferring to follow the standard step-by-step process. Therefore, gaining an arrest warrant can take several weeks even in "open and shut" cases. In many cases, an arrest is never made.

Temporary Detention Orders: During a preliminary investigation, at the request of the public prosecutor, a judge might issue a 24-hour detention order ("*orden de detención*") for a suspect to be brought to the police for questioning, or to be identified in a lineup. In this case, you might be called in urgently to identify the suspect.

Within 48 hours of such a detention, the judge convenes a public hearing ("*audiencia pública*"). During this hearing, the judge hears and decides on the suspect's requests concerning a substitution for the detention (for example, police surveillance of the suspect, or a schedule in which the suspect "checks in" regularly with the court) or offer of bail (which is prohibited for narcotics and certain major offenses). If the suspect was caught "red-handed" ("*delito flagrante*") by the police, Ecuadorian authorities would need to charge the suspect with a specific criminal offense. The public prosecutor could request that the judge grant an extension of the detention order though in practice this is rare.

Once the suspect has been questioned during a temporary detention, he or she walks free unless the judge – during the public hearing – decides to issue an arrest warrant ("*orden de prisión preventiva*"). In practice, judges rarely issue arrest warrants during the preliminary investigative phase, preferring to wait until a later phase of the investigation. The judge might or might not approve an order for the police investigative team to surveil the suspect – now aware of potential charges against him or her – to assure that the suspect does not flee from justice.

Public prosecutors (or plaintiff's attorneys) often choose to wait until the culmination of the preliminary investigation to request that a judge issue an arrest warrant. First, the public prosecutor or attorney requests that a judge be assigned to the case. Second, the public prosecutor or attorney requests a hearing to press charges ("*audiencia de formulación de cargos*") in which the public prosecutor presents the judge with the results of the preliminary investigation. You do not need to be present during this hearing. During the hearing, the judge decides whether or not sufficient evidence exists to establish a formal case, and – if requested by the public prosecutor – might issue an arrest warrant. In urgent cases where the formal hearing to press charges has not yet taken place but the public prosecutor already possesses sufficient information about a suspect to justify an arrest warrant, the public prosecutor or attorney could request that a judge on duty ("*juez de turno*") at the police station issue an arrest warrant; some public prosecutors are more willing to make this request than others.

When pressing charges, as in the United States, Ecuadorian prosecutors recognize both felonies or aggravated crimes ("*delitos con agravantes*") and misdemeanors or crimes with extenuating factors ("*delitos con atenuantes*").

If an Arrest is Made: You should be informed if an arrest is made in your case.

Individuals arrested in Ecuador have all rights related to due process (for example, the presumption of innocence, the right to a public defender (free of charge in criminal cases), equality of opportunity for litigants and the impartiality of judges). At the time of the arrest, the police read the individual his or her rights, such as the right to remain silent and right to an attorney.

A suspect who has been arrested in Ecuador may challenge the legality of his or her detention by petition within 48 hours of their arrest; in practice few people bring forward such petitions. The senior elected official (usually the mayor) of the locality in which the suspect is held reviews these petitions.

FORMAL INVESTIGATIONS: If, during the hearing to press charges, the judge decides that sufficient evidence exists, your case will proceed to the pre-trial period, known as the formal investigative phase ("*instrucción fiscal*"). This phase lasts between 60-90 days, as determined by the judge during the hearing. The public prosecutor may request that the judge grant an extension of 30 days if necessary.

Your case will be considered "public" once it reaches the formal investigative phase. The public prosecutor will notify the suspect in writing that he or she is now under formal investigation (in some cases, prompting the suspect to flee from justice). Summaries of the procedures will be available to anyone who requests them. In cases where the victim is a minor, despite Ecuadorian laws regarding the protection of minors, such summaries may be made public as well. The following three provincial courts' judicial council websites display case information online: the [Pichincha Judicial Council](#) website, the [Los Rios Judicial Council](#) website and the [Tungurahua Judicial Council](#) website. Other provincial courts' web pages for case information are under construction.

A judge directs the formal investigation, giving instructions to the police investigators, with the public prosecutor assisting. Many judges prefer to take a more passive role, letting the public prosecutor direct the formal investigation just as the public prosecutor did during the preliminary investigation. As in the preliminary investigation, a privately-hired attorney plays a key role in helping the case to move forward.

Recorded Testimony for Victims Departing Ecuador: During the formal investigative phase, Ecuadorian law allows for victims of certain serious crimes – when seriously ill or about to depart Ecuador – to give urgent testimony ("*testimonio urgente*"). Urgent testimony, in contrast to other victim or witness statements made during the investigation, is heard by a judge and has the weight of testimony in a court room. If you will be departing Ecuador and wish to give urgent testimony before your departure, the public prosecutor will decide whether or not you qualify to give urgent testimony. If

the public prosecutor decides that you qualify, he or she will set an appointment with the judge assigned to your case.

During the appointment, your private attorney will need to be present. If you ask in advance for a translator, the public prosecutor's office will usually provide one. The level of experience of translators provided by the public prosecutor's office varies. The judge will probably ask you to answer a set of standardized questions, including information about the location, date and time of the crime, information regarding the perpetrators and others who were present, how the infraction was committed and the damage suffered as a result of the infraction. A court secretary will record your testimony and will ask you and the translator to review it for accuracy before finalizing and asking for signatures. Translation errors that result in confusion could jeopardize the case.

PRETRIAL PERIOD: Once the formal investigation closes, the public prosecutor is given up to 31 days to prepare for trial. During this phase, called the intermediary stage ("*etapa intermedia*"), the public prosecutor assesses the evidence gathered and determines whether to dismiss the case or to present formal charges. If the public prosecutor decides to present formal charges, he or she will convene a trial akin to a grand jury hearing ("*llamamiento a juicio*"). The public prosecutor does this by submitting a request for a panel of three judges ("*tribunal penal*") to be assigned to hear the case. Although a privately-hired attorney does not have the right to convene a trial as does a public prosecutor, he or she might support the public prosecutor during this phase by analyzing evidence or preparing documents. Some public prosecutors lean very heavily on private attorneys during the pre-trial period.

If the three-judge panel decides that there are sufficient and severe presumptions that the alleged perpetrator/s committed the offense or crime, it issues a written notification to both the victim and the accused, therefore beginning the trial stage. During this stage the public prosecutor or plaintiff's attorney will attempt to prove to the three-judge panel the degree or extent of responsibility of the perpetrators or aggressors involved.

Ecuador currently has no provisions in place to offer a plea bargain to a suspect.

TRIAL: A trial ("*audiencia de juzgamiento*") in Ecuador is very different from a trial in the United States. Jury trials do not exist; instead, a three-judge panel ("*tribunal penal*") presides over the courtroom. The proceedings are conducted in several separate sessions. The entire process might last from a few days up to a year, depending on the crime and also on delaying factors. Ecuadorian trials are considered public; anyone may attend a trial, including a consular officer from either the U.S. Embassy or Consulate. Some courts prefer to avoid media coverage while the hearing takes place in order to prevent accusations pertaining breach of public duties or conflict of interests. As the plaintiff, you are entitled to be represented by the public prosecutor, but if you have a privately-hired attorney, he or she could take an active role during the trial. Attorneys representing both plaintiff and defendant usually walk their clients through protocol requirements in the courtroom (including appropriate dress and when to stand out of respect to the judges). Ecuadorian law requires the court to provide a translator free of charge; although, victims and perpetrators are sometimes asked to find a qualified translator, pay the translator's fees, or both.

Procedures of the Trial Hearings: The first trial hearing begins with opening arguments made by the public prosecutor or plaintiff's attorney. Next, the plaintiff is asked to give testimony and must undergo a cross examination by the three judges, the plaintiff's and the defendant's attorneys. After that, the defendant gives his or her testimony. Next, the public prosecutor or plaintiff's attorney presents any relevant forensic evidence. Then the public defender or defendant's attorney present arguments or other forensic evidence and witnesses in favor of the defendant give their testimony.

The public prosecutor or plaintiff's attorney then introduces arguments, in which he or she states whether the defendant is the intellectual author, material author or accomplice of the crime, and requests a specific punishment. The public prosecutor or plaintiff's attorney might request compensatory damages, ("*indemnización por daños y perjuicios*") in addition to a specific sanction. The three-judge panel then gives the defendant an opportunity to respond to the plaintiff's allegations. During an Ecuadorian trial, the defendant is always permitted to have the final word. Before concluding, it is common practice for the defendant to introduce character witnesses to speak positively about the defendant.

Once the defendant has concluded his or her remarks, the presiding judge declares the hearing complete. The court secretary drafts and signs a court's statement ("*acta del juicio*"), containing general information regarding the trial (location and dates, the names of the justices, parties, witnesses, experts and translators, a list of the petitions and decisions produced in the course of the trial and the final conclusions of the parties).

Ecuadorian trial hearings are at times re-scheduled or delayed for several reasons, including but not limited to: the panel refusing to accept certain evidence (prompting the public prosecutor or plaintiff's attorney to prepare to re-submit), illness or incapacitation of the defendant, lack of preparation on the part of an attorney, or scheduling conflicts.

Victim Testimony: Although Ecuador allows for plaintiffs to submit written urgent testimony ("*testimonio urgente*") prior to the trial hearing, Ecuadorian judges also prefer for the victim of the crime to be present during the trial, so that they can see the victim in person and call on the victim to testify as many times as needed. For victims who have departed Ecuador and do not wish to return for multiple courtroom hearings, innovative solutions such as Internet-based video conferencing have been used before. If a three-judge panel accepts testimony via digital video conference, plaintiffs or their attorneys would need to coordinate the logistics, as courts do not possess the necessary technology or staff.

SENTENCING: The defendant must be sentenced within one year of the trial's start date, or he or she will be released and all charges dropped. The three-judge panel decision and sentencing should take place immediately after the hearing is concluded and the court's statement is signed, but it often takes place on a later date. Both the plaintiff and the defendant may give input into sentencing prior to the panel's deliberation.

The panel asks the public to leave and deliberates based on the evidence presented at the hearings. The panel considers if the defendant should be found "innocent" or "guilty" and if "guilty," the factors that would lead them to increase or decrease the punishment suggested by the penal code. The punishment could include a sentence ("*sentencia*") plus compensatory damages ("*indemnización por daños y perjuicios*"). If two out of the three judges agree, the majority decision prevails. If all three judges disagree, the panel applies the ruling most favorable to the defendant.

If the defendant was found guilty, he or she will serve the sentence immediately. Upon the defendant's release from prison (which might be prior to the originally ordered date, because of various Ecuadorian early-release programs), the plaintiff or victim will not be notified.

The court delivers official notification of the decision and sentence three days later. In cases where the U.S. Embassy in Quito or the U.S. Consulate in Guayaquil is following your case, we might obtain this information more quickly.

If the defendant is found guilty victims can file a civil suit against the convicted. The three-judge panel's sentence is used as the basis for the civil suit.

APPEALS: The convict may appeal his or her punishment to the superior court of the province that issued the court ruling. The court rules over the merits of the evidence presented within five days from the time the appeal is filed. If the appellant wins the appeal, the province's superior court issues a fine to the lower court that initially handled the case. The court might impose sanctions on the judges involved in the case, including removal from office.

In cases where the panel assigns the convicted compensatory damages, the public prosecutor, plaintiff or appellant may appeal the resolution on the amount of damages if they consider that the amount does not correspond to the circumstances of the case. If the appellant wins an appeal regarding compensatory damages, the case is sent back to the original court that heard the matter.

ATTORNEYS: Certain judicial procedures (for example, giving testimony and in some case, attending trial) require the presence of an attorney. Consular staff will do whatever is under their control to protect your legitimate interests and ensure you are not discriminated against under local law, but cannot act as your attorney. Therefore, you should consider hiring a local attorney to secure appropriate legal guidance. Ecuadorian legal procedures differ from those in the United States. Although the public prosecutor is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens in Ecuador, located on our [legal assistance](#) web page. Click here for a list of [Quito lawyers](#) and a list of [Guayaquil lawyers](#).

Attorneys in Ecuador are not required to register with their province's bar association or any other entity that could check their credentials (though some lawyers register anyway). For this reason, many people in Ecuador use word of mouth and reputation to find an attorney. Ethics standards as exist for attorneys in the United States do not exist in Ecuador. Privacy and confidentiality rules do not exist either; therefore clients come to confidentiality agreements with their attorneys at the time of contracting. Legal malpractice rules do not exist either. The quality of attorneys varies greatly, as do attorney's fees. Attorneys in Ecuador do not normally charge not per hour as is the case in the United States, but per stage of the judicial process.

In situations where the attorney becomes active on a case, the public prosecutor might choose to take a passive role, letting the attorney do much of the work. You might consider requesting that your attorney give regular updates to you and to the U.S. Embassy or Consulate as to the status of your case.

VICTIM COMPENSATION IN ECUADOR: Ecuador does not have a crime victim compensation program. The [Ecuadorian national public prosecutor's office](#), ("*Fiscalía*") is currently exploring options for such programs. Crime victims often rely on the compensatory damages assigned to the accused (if found guilty) and on the results of civil suits, in which the victim can file for damages.

If you are the American citizen victim of crime while in Ecuador, you may benefit from resources available in the United States. Every state in the United States offers a crime victim compensation program and nearly half of states offer benefits to their residents when the residents are victims of a violent crime overseas. Most state's programs require that you report the crime to local law enforcement. You can find more information at the [National Association of Crime Victim Compensation Boards](#).

For the [U.S. Department of Justice Office for Victims of Crime](#), as well as for help for families of victims of drunk-driving, people who are experiencing domestic violence, parents of murdered children and victims of rape, abuse and incest and other resources, see the [Department of State's web page on Crime Victim Assistance](#).

ADDITIONAL INFORMATION:

Identity Theft & Fraud: Fraud is a crime and is prosecutable by a public prosecutor. However, identity theft is not considered a crime. The Public prosecutor's office often prosecutes fraud is the property unit ("*delitos contra la propiedad*"). You can find more information at the website for [Department of State's information on Identity Theft and Fraud](#).

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE: Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, survivors should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. If you must change clothes, the Ecuadorian police recommend that you keep the clothes you were wearing in a paper bag and bring them with you to file your police report. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the public prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany victims of sexual assault for the medical exam.

Ecuador has strict laws regarding rape and sexual assault, including specific laws regarding the sexual assault of a minor, and regarding consent (for example, laws indicating that the "consent" of a person who has been drugged, or who has a high blood alcohol level cannot by law be considered consent). The interpretation and enforcement of these laws depends on the public prosecutors and judges.

Sexual Assault Exams: In Ecuador, a forensic exam carried out by an authorized police investigative medical examiner is necessary to open a sexual assault or rape case. In rare cases (including if you are in a remote location without access to a police criminal lab), you may be examined in a private hospital or by a private doctor and may submit the results to the police as evidence. Normally however, an examiner from the local legal medicine office ("*medicina legal*"), which works alongside the criminal lab ("*criminalística*") must perform the exam. The examiner will perform this only with an order ("*orden*") written by the public prosecutor on duty ("*fiscal de turno*") at the police station.

It is not uncommon for victims to experience a delay of several hours between the time of the police report and the forensic exam. For this reason, if you are a victim of sexual assault or rape, you should file a police report ("*denuncia*") as soon as possible after the crime, and should request the authorities to assist you getting an exam at the legal medicine department as soon as possible.

Forensic sexual assault exams are carried out for the purpose of collection of evidence. Sexual crime victims are usually allowed to bring another person into the room during the exam (either for support or to translate, or both). The legal medicine expert performing the exam will usually perform an external pelvic exam, checking for signs of trauma, as well as taking vaginal, penile or anal swabs as relevant, taking samples of semen or blood if present, and taking photos to document findings. The expert will probably explain his or her findings to you, answering any questions you might have during the exam. While examiners in the United States often conduct internal exams (sometimes using cameras) and take head and pubic hair samples, fingernail scrapings, blood and saliva samples, the Ecuadorian expert might or might not take such measures.

In cases where the medical expert believes that alcohol or drugs were involved, he or she will order blood or urine tests ("*exámenes toxicológicos*"). You might be asked to pay up to \$85 for a toxicology analysis. If you believe that alcohol or drugs were used to perpetrate a crime against you, it is important to make sure a toxicology exam is conducted as soon as possible, as the results could confirm your statements or testimony in a later judicial case.

If you are a victim of sexual assault or rape and decide not to have a forensic medical exam, it is unlikely that your case would go to trial. Ecuadorian judges often prefer to see physical evidence to back up victims' claims of abuse. In addition to the forensic exam, you might be asked to complete a psychological exam (see section titled, "Preliminary Investigations" above). While the forensic exam should be completed ideally within 12 hours of the crime, you could complete the psychological exam at a later date.

Medical Care: While a police exam will provide important evidence and in some cases, information as to whether a sexual assault or rape occurred, a police exam will not address your physical well-being. You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. The U.S. Embassy in Quito or the U.S. Consulate in Guayaquil can provide you with a list of local doctors, hospitals or clinics.

If you have been the victim of a sexual crime, even one that did not involve penetration, it is important to seek medical attention as soon as possible, so that you can make decisions – for example whether to be tested for gonorrhea, Chlamydia, HIV or other sexually-transmitted diseases or whether to take prophylaxis – within 72 hours. Emergency contraception (the "morning-after pill") is available in Ecuador. For information regarding HIV, including information regarding post-exposure prophylaxis, see the U.S. Department of Health and Human Services' [AIDS Info](#) page. A commonly-prescribed HIV prophylaxis is available in certain major cities in Ecuador.

If you choose to seek medical care before filing a police report, your doctor or nurse will be under a legal obligation to report assault or rape to the police, or to guide you in how to do so yourself. For adults victims of sexual assault the doctor or nurse might not file the report in a timely manner or might not report the sexual assault at all, especially at the victim's request. In the case of sexual assault of a minor, most Ecuadorian doctors and nurses take this obligation seriously, calling the police directly and promptly.

Sexual Assault Investigations: As a victim of rape or sexual assault, you will be interviewed multiple times and by several different people, including: police officers, the legal medicine expert, a public prosecutor, a psychologist and multiple judges. Some interviewers might seem skeptical about your claims or unable to process the details you state. Other interviewers might seem professional and caring. Although date rape, acquaintance rape, spousal rape and rape perpetrated on male victims are crimes in Ecuador, authorities do not always take them as seriously as they do other types of rape. Even in cases where public prosecutors and police are working seriously on a case, the level of bureaucracy and administrative requirements are high, making the Ecuadorian judicial system seem impersonal and slow to many victims.

If a medical expert takes blood, semen, hair or other samples for analysis during your forensic exam, these samples will not be tested for DNA, but rather are likely be held in a lab until a suspect is identified during the formal investigation phase. Even if a suspect is identified, Ecuadorian authorities might not perform DNA analysis to find out if a match exists, in part because the victim is usually required to pay for DNA samples (approximately \$250 each) and also because suspects reserve the right to refuse to submit to DNA testing.

Privacy laws - including laws to protect the identity of sexual assault survivors - do not exist in Ecuador. (For more information, see section titled "Preliminary Investigations" above.) Nevertheless, media attention for sexual assault cases is rare.

More Help: Ecuador does not have a rape crisis hotline. However you can find information and resources on the website of the [Office of Gender at the Ministry of Government](#). For information for the national police headquarters ("*Jefatura Nacional*"), call (02) 256-1701. See also the United States-based [Rape, Abuse and Incest National Network](#) (RAINN).

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE: Stalking is not considered a crime in Ecuador. However, domestic violence is considered a crime. Victims of domestic violence may request a restraining order at a Commissioners' Office for Family and Domestic Issues. A restraining order might apply to the victim's home, place of employment or study, or other family members. The order might include treatment for the affected family. In reality, restraining orders vary in their enforcement. Commissioners' Offices for Family and Domestic Issues have the authority to issue, but not to enforce their restraining orders; therefore, only Commissioners' Offices for Family and Domestic Issues that work closely with police officers provide enforcement for the restraining orders they issue. However if an individual violates the terms of a restraining order, the protected can request the arrest of that individual.

For cases of domestic violence, you should consider visiting a Commissioner's Office for Family and Domestic Issues before filing a report, in order to find out which is the necessary branch to file the report. If you file your report in the wrong branch, your case may not be tracked correctly.

Some Ecuadorian nongovernmental organizations provide assistance to battered women and their children. For more information, see the website of [Victims of Maltreatment, Abuse and Sexual Hostage-taking](#). For information regarding trauma counseling in the United States, see the [U.S. Department of Justice's web page for the Office on Violence Against Women](#). For other resources, see the [Department of State's web page for Crime Victim Assistance](#).

In cases of domestic violence where the victim is the parent of an Ecuadorian or dual-national child and would like to depart Ecuador with the child, the victim must comply with Ecuadorian laws regarding dual parent consent to depart the country with a minor. This requires either gaining consent from the other parent or obtaining full custody of the child.

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE: The Ecuadorian National Council for Children and Adolescents ("*Consejo Nacional de la Niñez y Adolescencia*" or "[CNNA](#)") is responsible for the protection of children in Ecuador.

The [CNNA](#) relies on other Ecuadorian agencies for outreach, investigation, intervention, statutory protection and casework. For example, you can file a child abuse report at one of two different entities: (1) the Metropolitan Board on the Protection of Children and Adolescents' Rights ("*Junta Metropolitana de Protección de Derechos de la Niñez y Adolescencia*"), which has its own doctors and psychologists on staff, or (2) the Office of the Public Prosecutor ("*Fiscalía*"). The two entities that will carry out the investigation are either a police investigative team ("*Policía Judicial*") or the Ecuadorian police unit specializing in crimes against children ("*Dirección Nacional de Policía Especializada para Niños, Niñas y Adolescentes*" or "[DINAPEN](#)"). The prosecution will be carried by either the Metropolitan Board or a InEcuador all citizens must report suspected child abuse, especially educators and physicians. The Office of the Public Prosecutor is entitled to prosecute child abuse even if nobody has filed a police report ("*de oficio*"). If you suspect child abuse, you can report it by filing a police report in either the Metropolitan Board or the Office of the Public Prosecutor. If the child needed to be placed in a temporary home or shelter, [CNNA](#) or [DINAPEN](#) would find one. Medical examination is available at the Forensic Medicine's Police Unit ("*Medicina Legal*") or by a physician provided by the Metropolitan Board.

In judicial proceedings a child is expected to testify against the abuser. The prosecutor or a member of the Metropolitan Board would help prepare the minor for the trial. Ecuadorian courts are required to make special accommodations for the child in order to minimize the trauma of testifying; therefore they might place the minor in a separate room from the abuser during the testimony.

In cases where a dual national child has been abused and one parent would like to depart Ecuador with the child, the victim must comply with Ecuadorian laws to depart the country with a minor. This requires

either gaining consent from the other parent – even if the other parent is the abuser – or obtaining full custody of the child (a process that takes place in the Ecuadorian court system).

SPECIAL INFORMATION FOR CASES OF KIDNAPPING: In cases of kidnapping for ransom, the Ecuadorian anti-kidnapping police branch, (UNASE), conducts the investigation and - if relevant - a rescue operation. The FBI might offer support. If you know an American citizen who has been kidnapped for ransom in Ecuador, you should call the U.S. Embassy in Quito (at any hour) at (02) 398-5000 and ask to speak to the embassy's Regional Security Officer. If you are concerned about the welfare or whereabouts of an American citizen in Ecuador but do not suspect kidnapping, call the American Citizen Services section of either the U.S. Embassy in Quito (02) 398-5000 or the U.S. Consulate in Guayaquil at (04) 232-3570 or (after hours) (04) 232-1152.

International Parental Child Abduction: Parental child abduction is not considered a criminal offense in Ecuador. However, Ecuador is member to the [Hague Convention of 1980 on Abduction](#) and therefore recognizes international restitution. The Ecuadorian government's central authority for international abduction cases is the Ecuadorian National Council for Children and Adolescents ("*Consejo Nacional de la Niñez y Adolescencia*" or "[CNNA](#)"). The "left-behind" parent may present a formal request to the [CNNA](#), including proof of the child's habitual residence, photos of the child and the "taking" parent and custody or visitation documents. The specialized police unit for crimes against minors ("*Dirección Nacional de Policía Especializada para Niños, Ninas y Adolescentes*" or "[DINAPEN](#)") performs the search for the child, if in Ecuador.

You can find more information regarding international parental child abduction at the website of the [Department of State's Office of Children's Issues](#), which assists parents in cases of international parental child abduction, the [National Center for Missing and Exploited Children](#) and [INTERPOL](#).

SPECIAL INFORMATION FOR CASES OF HOMICIDE: Host country police and public prosecutors are the competent authorities for the investigation of homicides, suicides or accidental deaths. Ecuador is in the process of transitioning to an accusatorial criminal justice system, in which the public prosecutor, rather than a judge, directs the investigation. Many public prosecutors do not have extensive experience leading a murder investigation. In rare cases, there may be a role for U.S. law enforcement to get involved, particularly in deaths involving acts of terrorism, transnational kidnapping, or transportation safety. However, this is the exception rather than the rule.

Murder investigations in Ecuador proceed slowly, and are not as thorough as many Americans expect. The Ecuadorian government now uses the following emergency hotline that callers can use to inform police and public prosecutors about murders or contract killings: 1-800-466-424.

An autopsy is mandatory in the case of a homicide in Ecuador, since the forensic physician from a police criminal lab ("*medicina legal*") is required by law to determine the cause of death.

There are three modalities of homicide: (1) unintentional homicide ("*homicidio inintencional*"), (2) manslaughter ("*homicidio simple*"), and (3) murder ("*asesinato*"). Unintentional homicide carries a sentence of three months to two years. Manslaughter carries a sentence of eight to twelve years. Murder carries a sentence of twelve to twenty-five years.

There are three categories of perpetrators: the intellectual author, the material author and the accomplice. Murder sentences are strictest for an intellectual author and the least strict for an accomplice.

Information and Support: Support organizations for the families of homicide victims do not exist in Ecuador. For information and support for families of homicide victims, see the [U.S. Department of Justice's Homicide Survivors and Co-Victims](#) web page, [Compassionate Friends](#), [Parents of Murdered](#)

[Children](#), the American Association of Retired Persons (AARP), which has a Grief and Loss page, and AARP's [Ways Parents Can Cope](#).

INFORMATION REGARDING ECUADORIAN POLICE, PUBLIC PROSECUTORS AND COURTS:

For information regarding commissioner's offices across Ecuador, see the the [Dirección Nacional de Género](#) website. For Quito-specific information regarding commissioner's offices, see the [Nacionales de Policía](#) website. Click here for the location of [Quito commissioner's offices](#). The national police headquarters ("Jefatura Nacional") is located in Quito and can be reached at: (02) 256-1701. Click here for information regarding the specialized police unit for crimes against minors ("*Dirección Nacional de Policía Especializada para Niños, Ninas y Adolescentes*" or "[DINAPEN](#)"). Another informational website is managed by the [Office of Gender](#) at the Ministry of Government.

The legal examiner's ("*Medicina Legal*") office in Quito is located on Avenida Mariana de Jesus in the police headquarters across from the Hospital Metropolitano. The legal examiner's office in Guayaquil is located at the Hospital de la Policía Nacional at Cdla. Modelo, Ave. De las Américas entre Calle Maria Juárez Domínguez y Ernesto Noboa y Caamaño (telephone: (04) 229-2962).

For more information regarding the prosecution cases in Ecuador, contact the [Ecuadorian national prosecutors' office](#). For a public prosecutor's office for a particular province, see the national prosecutors' office website [information for each province](#).

Some of Ecuador's provincial courts have websites, managed by the province's judicial council ("*Consejo de la Judicatura*"), which oversees judges. Click here for: the [Pichincha Judicial Council](#), the [Los Rios Judicial Council](#), the [Tungurahua Judicial Council](#), the [Guayas and Galapagos Judicial Council](#), the [Loja Judicial Council](#) and the [Imbabura Judicial Council](#).

To report information regarding a murder or contract killing in Ecuador, call 1-800-466-424

The following is a list of issues that the police and public prosecutor would not settle: certain debts, rent collection (which are handled by courts that handle tenancy disputes or "*juez de inquilinato*"), alimony or recovery of children taken by one parent (which are handled by children's courts or "*juez de la ninez y adolescencia*"), recovery of animals (which are handled by the city's intendant or "*intendente*"), restraining orders (which are handled by the commissioner's offices or "*comisarias de la mujer y la familia*"), mutual respect agreements (common in Ecuador after domestic violence, and which are drafted and issued by an authority on domestic issues ("*intendente general de policía*") or a Commissioner's Offices or Commissioner's Offices for Domestic and Family Issues), insurance recovery processes (usually settled by insurance companies or by intermediaries known as insurance brokers) or reports regarding stolen documents (for more information regarding stolen passports please see the embassy's [website](#)) or complaints regarding damaged property (these complaints go straight to a criminal court without passing through a public prosecutor).

For more information regarding Ecuadorian government processes, see the website regarding [paperwork and processes](#).

EMBASSY/CONSULATE LOCATION: Americans living or traveling in Ecuador are encouraged to register with the nearest U.S. Embassy or Consulate through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security within Ecuador. Americans without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, American citizens make it easier for the Embassy or Consulate to contact them in case of emergency. The U.S. Embassy is located at Avigiras E12-170 y Eloy Alfaro (in the far northwest sector of Quito), telephone both during and after working hours: (02) 398 5000. The U.S. Consulate in

Guayaquil is located four blocks west of Centennial Park at 9 de Octubre y Garcia Moreno, working hours +593 (4) 232-3570 and after hours +593 (4) 232-1152.